

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36005

KCVN, LLC AND COLORADO PACIFIC RAILROAD, LLC—FEEDER LINE
APPLICATION—LINE OF V AND S RAILWAY, LLC, LOCATED IN CROWLEY,
PUEBLO, OTERO, AND KIOWA COUNTIES, COLORADO

Decided: March 23, 2017

This proceeding concerns an application jointly filed by KCVN, LLC and its wholly owned subsidiary, Colorado Pacific Railroad, LLC (collectively Applicants) asking that the Board require the sale of a line of railroad owned by V and S Railway, LLC (V&S). In a March 3, 2017 order, the Board directed Applicants to file supplemental evidence concerning the application by March 17, 2017. The March 3 order also permitted V&S to respond by March 24, 2017, and Applicants to submit a rebuttal by March 31, 2017. Applicants timely filed their supplemental information on Friday, March 17.

On Monday, March 20, 2017, V&S filed for a one-week extension of the procedural schedule, stating that it needs additional time “to investigate the new supplemental pricing information and the limited supporting explanation in order to make a full and proper reply.” Applicants filed in opposition to that request on the same day, arguing that V&S should have sought an extension earlier and that the supplemental information it provided “is uncomplicated and responds to the Board’s request in a straightforward and fully supported manner.”

V&S’s extension request will be granted. Despite Applicants’ claim that V&S should have filed earlier, under the circumstances it is not unreasonable for V&S to have reviewed Applicants’ submission and requested an extension the next business day. Moreover, a modest extension is reasonable to permit V&S to fully respond to the information that KCVN provided. Accordingly, V&S may file a reply by March 31, 2017, and Applicants may file a rebuttal by April 7, 2017.

It is ordered:

1. V&S’s extension request is granted.
2. V&S may file a reply by March 31, 2017, and Applicants may file a rebuttal by April 7, 2017.

3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.